

Before the
Federal Communications Commission
455 12th Street
Washington, D.C. 20554

In the Matter of) MM Docket No. 99-25
Creation of a) FCC 99-6
Low Power Radio Service)

Comments of
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I wish to file comments with the Federal Communications Commission on

August 2, 1999 in the matter of the Creation of a Low Power Radio Service.

I am filing as an individual and the views represented are solely mine and
represent no other organization. I have been radio and television broadcast
technician for the last 30 years.

Opening Comments

(1) In 1975, I filed comments in support of a petition by Laurenburg
Broadcasting in support of allowing Class A FM stations to operate on Class
B and C channels. At that time I felt that due to the allocation rules at that
time, there were many communities without either any broadcast service or
lacked sufficient competition. This and other petitions lead to Docket 80-90.
When Docket 80-90 was enacted, it seemed that most localities would
receive sufficient radio broadcast service.

(2) Then came deregulation and all the rules that governed the ownership and placement of stations changed. These rule changes have cancelled many the gains of increased service from the addition of the Docket 80-90 stations.

We now have fewer owners or voices and with the changes in the studio location rules, there are fewer communities that have their own locally operated stations. In my state of Wisconsin, out of about 260 commercial radio stations, around 40 of the stations are not located in their city of license. A couple are located up to 45 miles from their city of license and cities as large as 90,000 people have seen stations move their studios to other communities. I have some misgivings about this docket, but I think that the FCC needs to consider the possibility of low power FM stations. There are interference, competition and ownership issues that the FCC has to deal with before Low power FM can be authorized.

Proposed Classes of Stations

(3) The FCC has proposed 2 classes of low power FM stations at 1000 watts and 100 watts and asked for comments on a third at power level of 1 to 10 watts. The LP-1000 and LP-100 classes of stations are reasonable proposals and should be considered by the Commission. The power levels and the antenna heights are reasonable and they should be adopted. The tower limitations do represent sensible aeronautical considerations. Both power

levels have been used in the past with 1000 watts used as the original Class A power levels and the 100 watt level was used in the old Class D FM service.

(4) I do have problems with the 1 to 10 watt micro stations. The potential for interference is greatest due to the possible large number of stations and the potential for them to be located near residential and business districts. They may cause much interference due to the possibility of the transmitters being located close to numerous receivers and the possible overload to the receiver's front ends. If large numbers of microstations are granted, I believe that with the low power levels, it could be a haven for pirate stations to operate. If an area has a number of these stations, it will be difficult for the FCC and other broadcasters to detect their operation. Large number of these stations could be a nightmare for the FCC to manage. The FCC should not consider the grant of the 1 to 10 watt micro stations at this time.

Interference Considerations

(5) There are a number of interference issues the FCC must consider in this inquiry. It is proposed that the new low power stations need not protect full power stations that are second and third adjacent to it. The Commission has in past rulemakings reduced these protections in certain situations and claims it has very little increases of interference. The Commission also notes that

receiver technology has improved to a point that second and third adjacent protections are no longer needed. There is a question within the broadcast industry on whether current receivers will reject interference from second and third adjacent stations.

(5) The technology has improved from the days of tube receivers and their stability problems. Most car radios and high-end hi-fi receivers should meet the proposed new separations. The questions that remain are inexpensive stereos and personal radios. The FCC needs to determine how much interference protection these inexpensive radios should receive versus how spectrum is allocated for the most efficient usage. As an individual, I don't have the resources to document the quality of radios sold, but I believe that that Commission should look at reducing or eliminating the third adjacent protection and possibly reduce second adjacent protection only after in-band digital is approved. This reduction should be looked at for both separations between low power and full power stations and separation between full power stations. Any inquiry concerning adjacent channels should be a separate rule making and not included in the low power rulemaking. For the present, low power stations should be required to protect the second and third adjacent of full power stations. This would limit the initial number of low power stations, but more could be added later, if adjacent channel protections

can be reduced. Because of the lower power levels, I believe that the Commission should consider reducing second and third protections between LPFM stations.

(6) The other interference question regarding low-power radio is the method to be use to determine station spacing. The Commission stated in the notice that it considers mileage separation to be the simplest method and I agree. The mileage separation tables have used for FM and TV for a long time and have work well. I believe that the lack of the use of mileage separation table added to the application processing problems in low power TV.

Emissions

(7) The emission and bandwidth requirements for low power stations should be the same as full power stations. Low power stations should be able to purchase standard equipment manufactured for the FM broadcast industry and not have to buy special equipment. Reduced carrier deviation could also reduce the signal to noise level in the detected audio.

Ownership Issues

(8) The first issue concerning ownership limits is will they meet Congresses intent in the Telecommunications Act of 1996. Also, there was no limit on the number of low power TV stations one could own. Those limits were different from those for full power stations at the time LPTV was created.

Can the FCC justify limits on low power radio if there were no limits on LPTV. But the FCC did create precedence with LPTV by treating two similar services with different ownership standards. If the FCC can meet Congresses intent on ownership rules and explain the differences between the two services, they should place a limit on the number of low power stations that one could own.

(9) I generally agree with most of the ownership proposals except for two. I would not like to see a residency requirement. By limiting applicants to a live within a small radius from the proposed stations, persons would be denied the opportunity to do things such as returning to their hometown from a distant area and building a station. Many other people decide to move to a new area when starting a second career which a low power FM station may provide. The second ownership rule that concerns cross ownership. While I agree with prohibiting existing broadcasters from applying for or buying a low power station, I question that if these low power FM stations are a way to start in broadcast ownership, should their owners be forced to divest them when attaining a full power station. I would like low power owners to be able to retain their stations, if the full power station is located in a place other than where the low power stations are located. It would be unfair to invest in a community and then abandon it because you bought or built a station

somewhere else. Low power stations should not be able to be sold as a package with the high power stations, but sold to non-broadcasters only.

Service requirements

(10) Generally, LP-1000 FM stations should follow the same rules concerning public service requirements and the commercial rules as full power stations including EAS and hours of operation and be granted primary status. LP-1000 stations should be non-commercial on the reserved band and should be able to operate as a commercial station on the non-reserved band.

Due to the greater construction and operating expense of an LP-1000 station and that they may be located in small markets, they will need the revenue to remain viable. This does not preclude non-commercial operation anywhere on the band. LP-100 stations should be non-commercial and generally follow the old class D station rules. LP-100 should be required to monitor EAS.

LP-100 stations should be more affordable for non-profit groups to own and operate. LP-100 stations should have secondary status just as Class D stations were.

(11) All low power radio licenses should be of the same license term as full power stations and should be renewable. The loss of continuity of service to the public by ownership changes due to limits on renewal could be greater than the any chance of increase opportunity for others. Also, the investment

in an LP-1000 is still high, about 80-85 percent of a class A station by my estimate. The only sizable saving is in the transmitter. There is only a small saving in the tower and antenna system. The studio and office costs are about the same. Also, people do not normally invest in a business to give it up for basically nothing after a few years.

(12) The low power stations should have the same access to the broadcast auxiliary bands as full power stations. In large markets, these stations may need to consider other methods to get signals to transmitter and to do remotes because of congestion. In small markets, there is still auxiliary spectrum available in most cases.

Licensing issues

(13) The commission has proposed that all applications be filed electronically. There may be advantages for both the Commission and filers to use an electronic system in most cases, but because of the lack of computer knowledge or internet access for some potential applicants, I would like to see some type paper form. Because most FCC applications have been streamlined, so that most questions are basic data and yes or no questions, the Commission should be able to use a computer-scanned form as an alternative. Once scanned, the data should be able to be handled the same as an

electronic filing. The FCC should make available via Internet or mail off-line worksheet forms and primers on applications.

(14) The second licensing issue concerning low power FM stations is the processing of the applications and the resolving of mutually exclusive applications. First of all, I believe that application process selected should be created in such a way to avoid the use of auctions of which I have many objections about. I prefer a first come, first served method with frequency selection as part of the application. Because of court decisions, the FCC has been limited in what standards can be used to determine applicant qualifications. Because most applicants can meet the minimum technical, character and financial standards, why not give the license to the first person the recognizes the potential for providing service in a particular community. Also, I believe that the process of amending the table of assignments in a separate rule making action is the main reason for mutually exclusive applications for FM and TV by attracting additional applicants whom otherwise would never have applied for a new station. The collection of a upfront fee with the application at an amount similar to what many franchisers of small businesses would charge may help weed out the speculators and other less serious applicants. The Commission may need filing windows during the beginning of the LPFM service to control the number of applicants

and not be unduly burdened. If a way can be found to avoid an overloading of the electronic filing system, I would still prefer licenses granted on a first come, first served basis during these window periods.

Competition Issues

(15) From the sampling of comments on the initial petitions for LPFM that I have read, many existing broadcasters have a great fear of increased competition making it impossible for many existing full power and future low power FM stations to survive. Increased competition is one of the reasons given for the need for consolidation in the broadcast industry. One of the legacies of Docket 80-90 has been the oversaturation of stations in small rural communities. In many small communities that are distant from large metro markets, it has been easy to place more stations into community than the community can support. If the FCC can, it should attempt to limit new LPFM's to being first or second voices in very small communities or counties. Four or five stations cannot survive and provide the service the public deserves in a community of 5 or 10 thousand people.

Summary

(16) If the FCC does go ahead with the creation of a low power FM radio service, it needs to create a set of rules that does no harm to the existing FM

broadcasters and allow the new LPFM stations the opportunity to take their place in the broadcast community. Many LPTV operators have proved that a small station can provide an alternative to existing broadcasters and first time service to many communities. There are interference and competition issues that do need to be addressed, but these issues can be resolved. Low power FM is not the panacea to radio's problems that many have made it, but it will not cause the destruction of FM radio as many broadcaster have claim. As far as I am concerned, if FCC decides not to authorize LPFM that is ok, but is the Commission does approve its creation, it needs to be done right.

Respectfully Submitted
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